

208985



September 24, 2003



VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

**RE: STB Docket No. AB-33 (Sub-No. 208X), Union Pacific Railroad Company -
Abandonment Exemption - In Marshall County, KS (Marietta Industrial
Lead) from M.P. 133.13 to M.P. 125.0**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after October 20, 2003.

Sincerely,

Enclosures

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 208X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARSHALL COUNTY, KANSAS
(MARIETTA INDUSTRIAL LEAD)



Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: September 24, 2003
Filed: September 25, 2003

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ENTERED
Office of Proceedings

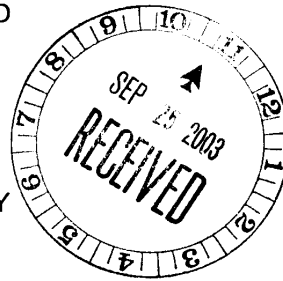
SEP 25 2003

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 208X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARSHALL COUNTY, KANSAS
(MARIETTA INDUSTRIAL LEAD)



Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service of the Marietta Industrial Lead from milepost 133.13 near Marysville to milepost 125.0 near Marietta, a distance of 8.13 miles in Marshall County, Kansas (the "Line"). The Line traverses U. S. Postal Service Zip Code 66508.

A Notice of Exemption to abandon the Lines pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed on or after October 13, 2003.

A map of the Line is attached hereto as **Attachment No. 1** and is hereby made a part hereof. UP's letter to federal, state and local government agencies is attached hereto as **Attachment No. 2**, and is hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT

49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment and discontinuance of service over the Marietta Industrial Lead from milepost 133.13 near Marysville to milepost 125.0 near Marietta, a distance of 8.13 miles in Marshall County, Kansas (the "Line"). There are no shippers on the Line.

The Line was constructed by the Marysville and Blue Valley Railroad Company in 1880. The Line is laid primarily with 133-pound rail. There appear to be no reasonable alternatives to the abandonment.

Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way. The property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission because the area is adequately served and access to the Property is limited. The Big Blue River runs in generally the same direction on the west side of the right-of-way and there are no through east-west roads for the entire length of the abandonment. The title to all of the operating right-of-way is reversionary in nature.

A map of the Line is attached as **Attachment No. 1**.

(2) **Transportation System.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

The subject Line has not been used for freight traffic for at least two years.

(3) **Land Use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. Marshall County officials have been contacted. To date UP has received no response.

(ii) The Natural Resources Conservation Services has been contacted and their review indicated the proposed abandonment resulted in no negative impacts to prime farmland or other negative environmental effects. The NRCS response is attached hereto as **Attachment No. 3**, and is hereby made a part hereof.

(iii) The proposed abandonment is not within a designated coastal zone.

(iv) The property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission because the area is adequately served

and access to the Property is limited. The Big Blue River runs in generally the same direction on the west side of the right-of-way and there are no through east-west roads for the entire length of the abandonment.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§(5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted and their review concluded that the proposed abandonment should cause no adverse impacts to fish and wildlife resources, including threatened and endangered species. The U. S. Fish and Wildlife Service's response is attached hereto as **Attachment No. 4**, and is hereby made a part hereof.

(ii) The National Park Service has been contacted. To date UP has received no response.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The Kansas Department of Agriculture, Division of Water Resources has been contacted, and their review concluded that the proposed abandonment will not require Division of Water Resources authorization. The Division of Water Resources' response is attached hereto as **Attachment No. 5**, and hereby made a part hereof.

(ii) The U.S. Army Corps of Engineers has review the proposed abandonment and concluded that the project will not require a Department of the Army

permit. The Corps of Engineers' response is attached hereto as **Attachment No. 6**, and is hereby made a part hereof.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The Line is generally 100 feet in width and primarily consists of level agricultural land in a lightly populated rural area of Kansas. Milepost 133.25 is on the north edge of Marysville which is the county seat of Marshall County.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: The Kansas State Historical Society has been provided with photographs of the fourteen railroad bridges included in the proposed action. A copy of

the letter to the Historical Preservation Office and pictures is attached hereto as **Attachment No. 7** and is hereby made a part hereof. Upon review, the Historical Society had no objection to the implementation of the proposed abandonment. The Historical Society's response is attached hereto as **Attachment No. 8**, and is hereby made a part hereof.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: The bridges and their dates of construction are listed on the map, **Attachment No. 1**, and in the letter, **Attachment No 7**.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description. There have been no rail operations over the Line for at least two years. No changes in carrier operations are contemplated.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: UP believes there are no structures over fifty years old which can be found to be historic.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources in the project area.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP does not have any such readily available information.

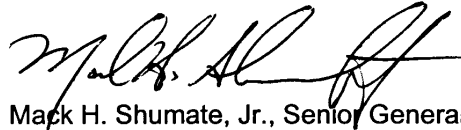
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 24th day of September, 2003.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 208X), the Marietta Industrial Lead in Marshall County, Kansas was served by first class mail on the 24th day of September, 2003 on the following:

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:

Kansas Department of Health and Environment
Forbes Field, Bldg. 740
Topeka, KS 66620

State Coastal Zone Management Agency
(if applicable):

Not applicable.

Head of each County:

County Commissioners
Marshall County Courthouse
1201 Broadway
Marysville, KS 66508-1844

Environmental Protection Agency
(regional office):

U.S. Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Kansas City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
1849 "C" St., N.W., #MS2540
Washington, D.C. 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
760 South Broadway
Salina, KS 67401

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

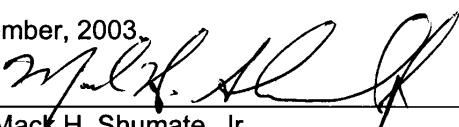
Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

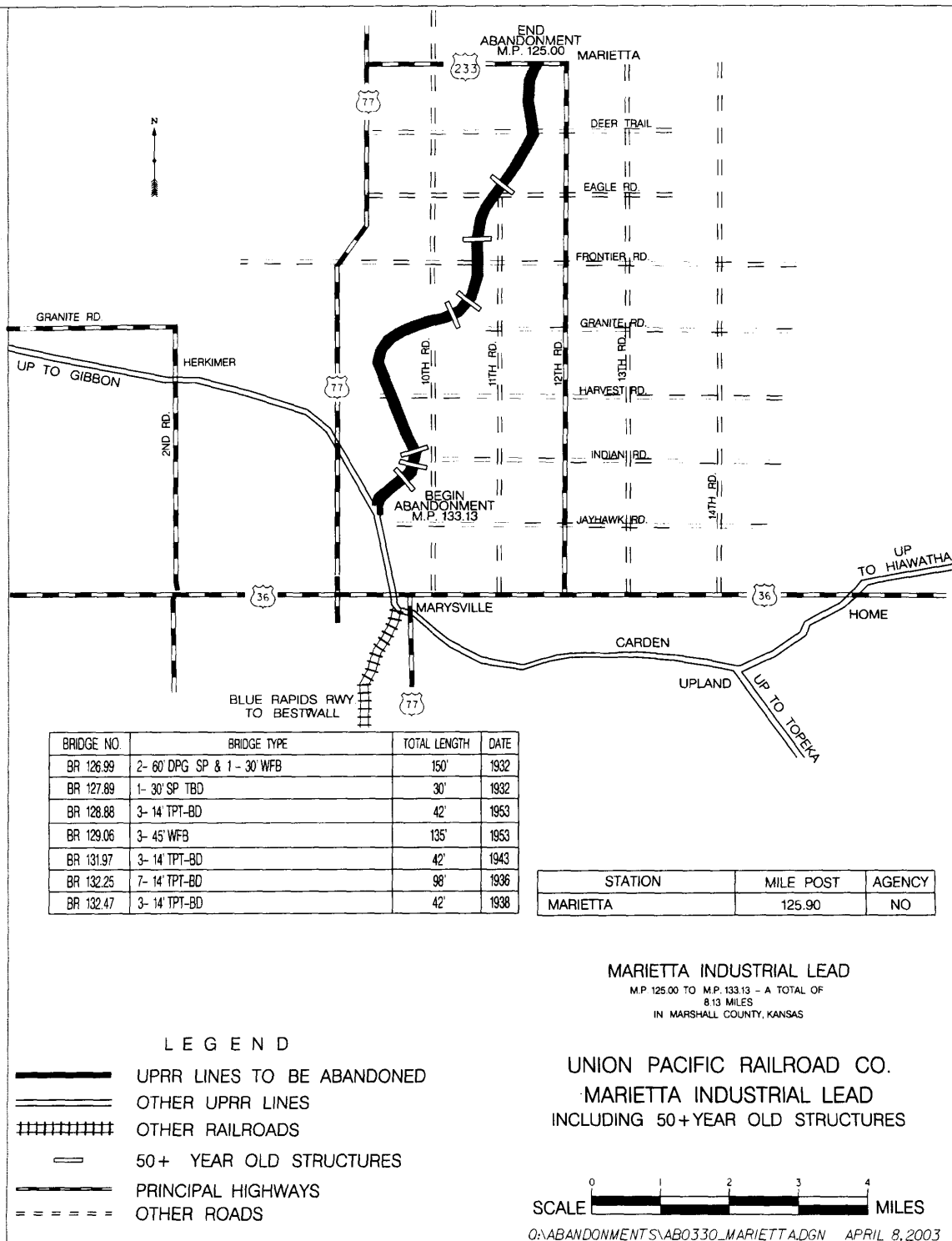
Other Agencies Consulted:

Wildlife & Parks Department
900 Southwest Jackson Street, \$502 N
Topeka, KS 66612

Water Resources Division
921 S. Kansas Ave., FI 2
Topeka, KS 66612

Dated this 24th day of September, 2003.


Mack H. Shumate, Jr.



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



(402) 271-5625 (FAX)

July 8, 2003

State Clearinghouse (or alternate):

Transportation Planning Bureau
Kansas Department of Transportation
Docking State Office Building
915 West Harrison
Topeka, KS 66612

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

State Environmental Protection Agency:

Kansas Department of Health and Environment
Forbes Field, Bldg. 740
Topeka, KS 66620

State Coastal Zone Management Agency

(if applicable):

Not Applicable

Head of County (Planning):

County Commissioners
Marshall County Courthouse
1201 Broadway
Marysville, KS 66508-1844

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
Assistant Regional Director
Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Kansas City District
700 Federal Building
Kansas City, MO 64106-2896

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
760 South Broadway
Salina, KS 67401

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

Other Agencies Consulted:

Wildlife & Parks Department
900 Southwest Jackson Street, \$502 N
Topeka, KS 66612

Water Resources Division

921 S. Kansas Ave., Fl 2
Topeka, KS 66612

Re: Proposed Abandonment of the Marietta Industrial Lead from M. P. 133.13 northwest of Jayhawk Road and 10th Road to M. P. 125.0 west of 12th Road and U. S. Highway 233 in Marshall County, Kansas; STB Docket No. AB-33 (Sub-No. 208X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Marietta Industrial Lead from M. P. 133.13 northwest of Jayhawk Road and 10th Road to M. P. 125.0 west of 12th Road and U. S. Highway 233, a distance of 8.13 miles in Marshall County, Kansas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission. If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

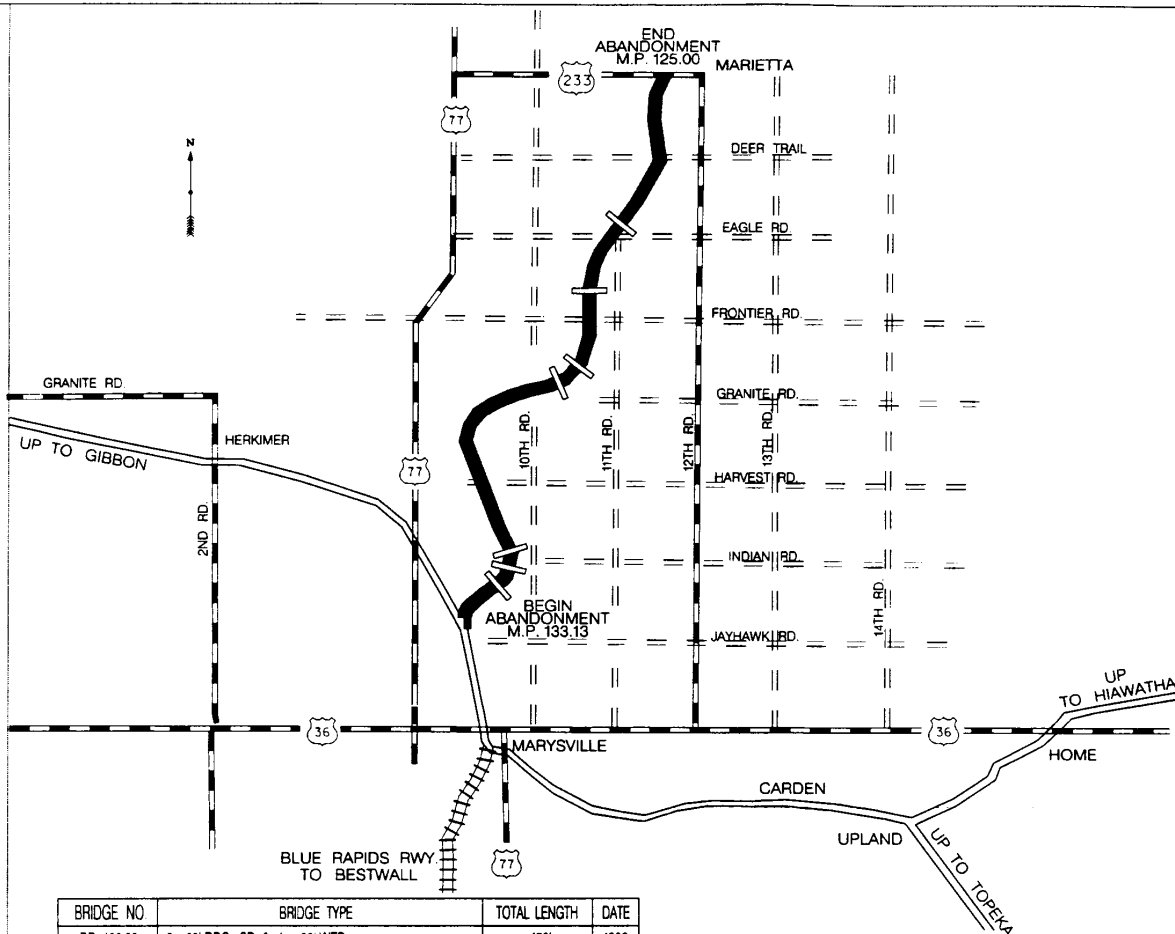
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,

Charles W. Saylor
Charles W. Saylor

Attachment



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
BR 126.99	2- 60' DPG SP & 1- 30' WFB	150'	1932
BR 127.89	1- 30' SP TBD	30'	1932
BR 128.88	3- 14' TPT-BD	42'	1953
BR 129.06	3- 45' WFB	135'	1953
BR 131.97	3- 14' TPT-BD	42'	1943
BR 132.25	7- 14' TPT-BD	98'	1936
BR 132.47	3- 14' TPT-BD	42'	1938

STATION	MILE POST	AGENCY
MARIETTA	125.90	NO

MARIETTA INDUSTRIAL LEAD

M.P. 125.00 TO M.P. 133.13 - A TOTAL OF
8.13 MILES
IN MARSHALL COUNTY, KANSAS

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.
MARIETTA INDUSTRIAL LEAD
INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

Q:\ABANDONMENTS\AB0330_MARIETTA.DGN APRIL 8, 2003



**United States Department of Agriculture
Natural Resources Conservation Service**

3231 S.W. Van Buren, Suite 2
Topeka, KS 66611-2291

Phone: 785-267-5721
FAX: 785-266-8293
www.ks.nrcs.usda.gov

July 17, 2003

Chuck Saylor
Union Pacific Railroad
1416 Dodge Street, Room 830
Omaha, NE. 68179

Re: Proposed abandonment of the Marietta Industrial Lead from M.P. 133.13 northwest of Jayhawk Road and 10th Road to M.P. 125.0 west of 12th Road and U.S. Highway 233 in Marshall County, Kansas. STB Docket No. AB-33 (Sub-No. 208X).

Dear Mr. Saylor:

Thank you for the opportunity to review the proposed abandonment project for the portion of railroad identified above.

At this point in time, I see no negative impacts to prime farmland as defined by the Farmland Protection Policy Act. Furthermore, I see no other negative environmental effects for which the Natural Resources Conservation Service is responsible for evaluating.

If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Boerger", with a long horizontal line extending to the right.

Alan R. Boerger
Resource Conservationist

Cc: Rod Egbarts, Soil Conservationist, NRCS, Salina, Kansas.
Ken Hoffman, Asst. State Conservationist, NRCS, Manhattan, Kansas.
Dan Faulkner, District Conservationist, NRCS, Marysville, Kansas.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

July 24, 2003

Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

RE: Docket No. AB-33 (Sub-No. 208X)

Dear Mr. Saylor:

This is in response to your letter of July 8, 2003, describing a proposed abandonment of 8.13 miles of existing railway line, known as the Marietta Industrial Lead, between Marietta and Marysville in Marshall County, Kansas. We have reviewed this proposal and conclude that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. Therefore, the U.S. Fish and Wildlife Service has no objection to the proposal as planned.

The Service encourages the Union Pacific Railroad Company to keep the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public. You may wish to contact the National Park Service, Omaha, Nebraska, 402-221-3350, for more information on the "Rails to Trails" Program. You may also wish to contact the Kansas Department of Wildlife and Parks in Pratt, Kansas (316-672-5911) to determine their interest in acquiring a nature trail.

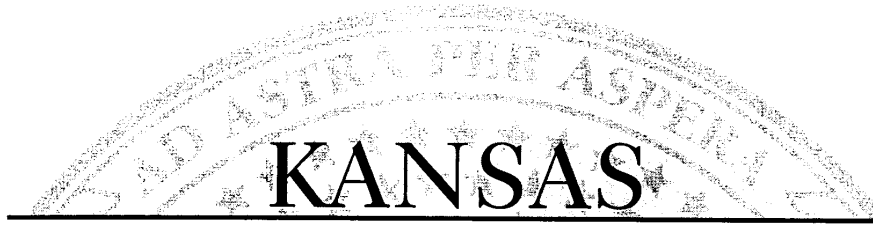
Thank you for this opportunity to comment on your proposal.

Sincerely,

William H. Gill
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)

WHG/dwm



DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

July 31, 2003

Union Pacific Railroad Company
Mr. Chuck Saylor
1416 Dodge Street, Room 830
Omaha NE 68179

RE: DWR A-95 2003.221

Dear Mr. Saylor:

This will acknowledge receipt of your letter and attachments dated July 8, 2003 regarding the proposed abandonment of the Marietta Industrial Lead located in Marshall County, Kansas STB Docket No. AB-33 (Sub-No. 208X).

Based upon the information provided, it does not appear that any authorization is required from the Chief Engineer of the Division of Water Resources under either the Kansas Water Appropriation Act, K.S.A. 82a-701 et seq., or the Obstruction in Streams Act, K.S.A. 82a-301 to 305a.

Sincerely,

A handwritten signature in cursive script that reads "Bob Lytle".

Bob Lytle
Environmental Scientist
Technical Services Section

RFL:ssc



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
REGULATORY BRANCH-KANOPOLIS SATELLITE OFFICE
107 RIVERSIDE DRIVE
MARQUETTE, KANSAS 67464

REPLY TO
ATTENTION OF:

July 25, 2003

Kanopolis Satellite Office
(200302004)
(Marshall, KS, NPR)

Union Pacific Railroad Company
ATTN: Mr. Charles W. Saylor
1416 Dodge Street, Room 1030
Omaha, Nebraska 68179-0001

Dear Mr. Saylor:

This is in response to your letter received on July 21, 2003 requesting a Department of the Army (DA) permit determination concerning abandonment of the Marietta Industrial Lead. The project begins in Section 21, Township 2 south, Range 7 east, and ends in Section 23, Township 1 south, Range 7 east all in Marshall County, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

We have reviewed the information furnished and have determined that the proposed activity will not involve the discharge of dredged or fill material in waters of the United States. Therefore, Department of the Army permit authorization is not required. Other Federal, state and/or local permits may be required, however, and you should verify this yourself.

Mr. Daniel H. Okeson, Regulatory Specialist, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Mr. Okeson at 785-546-2130 (FAX 785-546-2050).

Enclosure

Copies Furnished:

Environmental Protection Agency,
Water Resources Protection Branch wo/enclosure
Kansas Department of Wildlife
and Parks wo/enclosure
Kansas Department of Agriculture wo/enclosure

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861

August 22, 2003

Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

RE: Proposed Abandonment of the Marietta Industrial Lead from M. P. 133.13 northwest of Jayhawk Road and 10th Road to M. P. 125.0 west of 12th Road and U. S. Highway 233 in Marshall County, Kansas; STB Docket No. AB-33 (Sub-No. 208X)

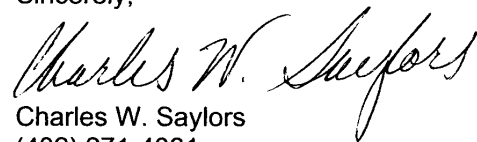
Dear Sir:

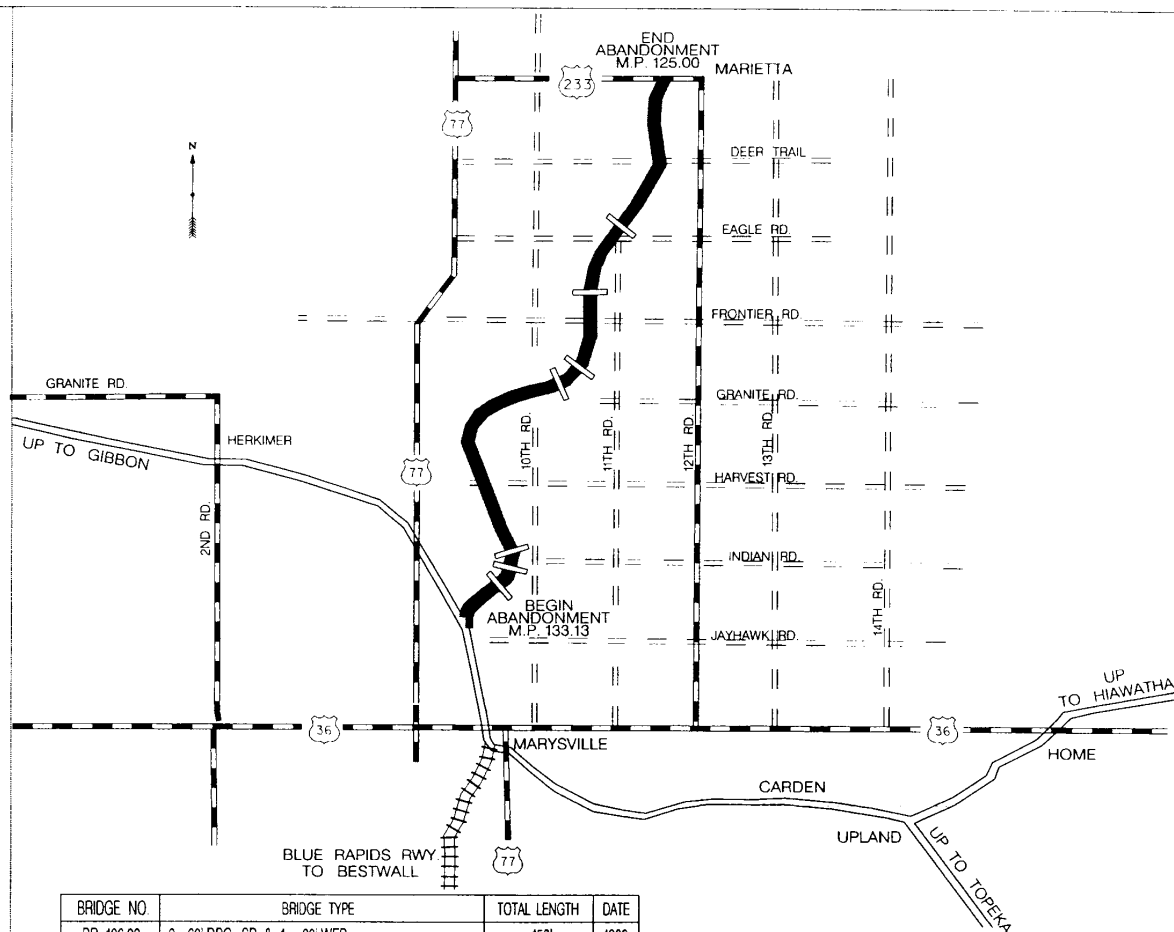
Enclosed for your review are fourteen photographs of the bridge located on the Marietta Industrial Lead which are 50 years or older along with a map of the proposed abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Year Constructed</u>
126.99	2-60' DPG SP & 1-30' WFB Total Length: 150 Feet	1932
127.89	1-30' SP TBD Total Length: 30 Feet	1932
128.88	3-14' TPT-BD Total Length: 42 Feet	1953
129.06	3-45' WFB Total Length: 135 Feet	1953
131.97	3-14' TPT-BD Total Length: 42 Feet	1943
132.25	7-14' TPT-BD Total Length: 98 Feet	1936
132.47	3-14' TPT-BD Total Length: 42 Feet	1938

Please advise if you believe there is any historical significance to any of the bridges. Thank you for your assistance.

Sincerely,


Charles W. Saylor
(402) 271-4861



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR 126.99	2- 60' DPG SP & 1- 30' WFB	150'	1932
BR 127.89	1- 30' SP TBD	30'	1932
BR 128.88	3- 14' TPT-BD	42'	1953
BR 129.06	3- 45' WFB	135'	1953
BR 131.97	3- 14' TPT-BD	42'	1943
BR 132.25	7- 14' TPT-BD	98'	1936
BR 132.47	3- 14' TPT-BD	42'	1938

STATION	MILE POST	AGENCY
MARIETTA	125.90	NO

MARIETTA INDUSTRIAL LEAD

M.P. 125.00 TO M.P. 133.13 - A TOTAL OF
8.13 MILES
IN MARSHALL COUNTY, KANSAS

LEGEND

	UPRR LINES TO BE ABANDONED
	OTHER UPRR LINES
	OTHER RAILROADS
	50+ YEAR OLD STRUCTURES
	PRINCIPAL HIGHWAYS
	OTHER ROADS

UNION PACIFIC RAILROAD CO.
MARIETTA INDUSTRIAL LEAD
INCLUDING 50+YEAR OLD STRUCTURES

SCALE MILES

Q:\ABANDONMENTS\ABO330_MARIETTA.DGN APRIL 8, 2003

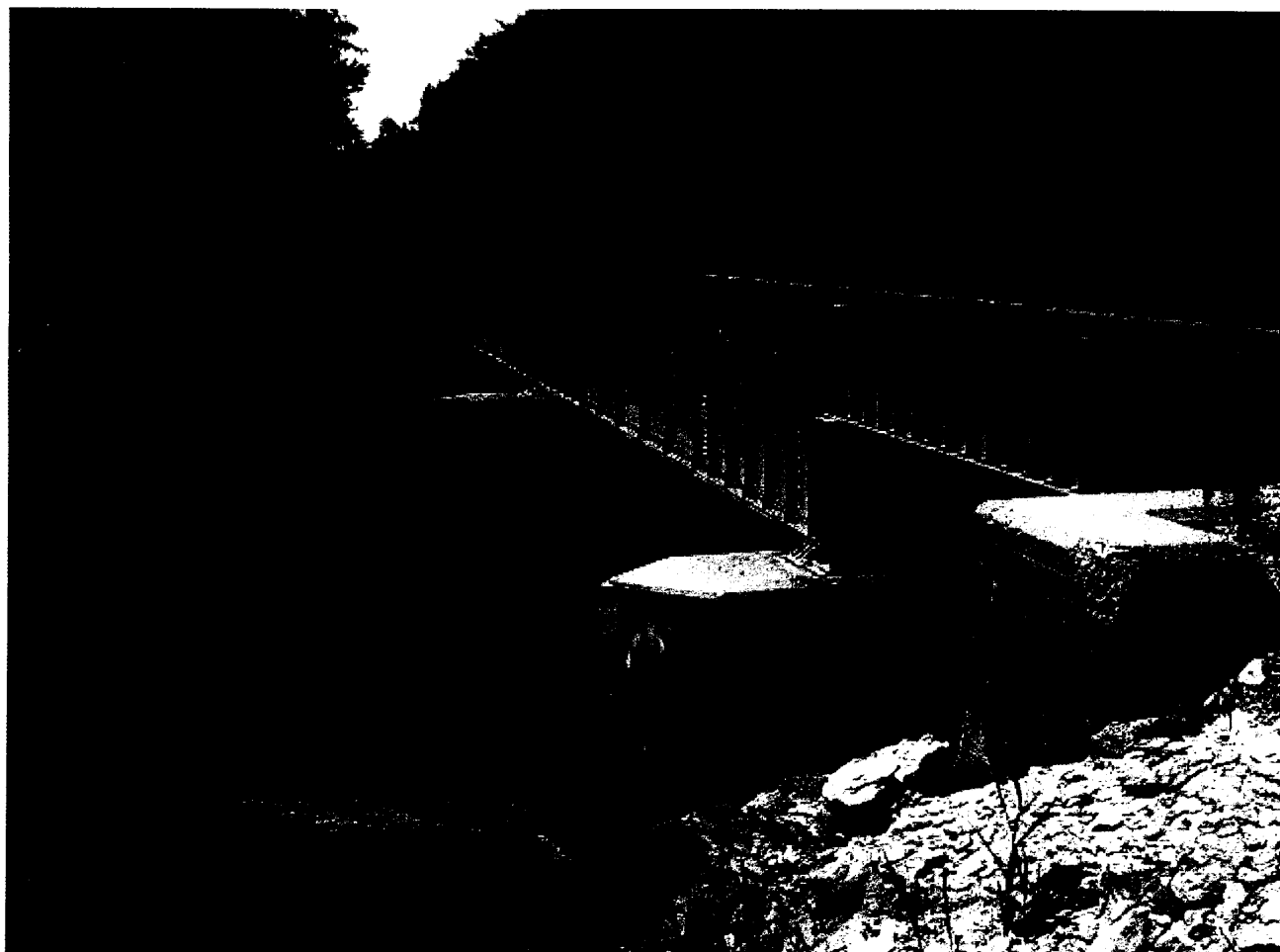
Marietta Industrial Lead

MP 126.99



Marietta Industrial Lead

MP 126.99



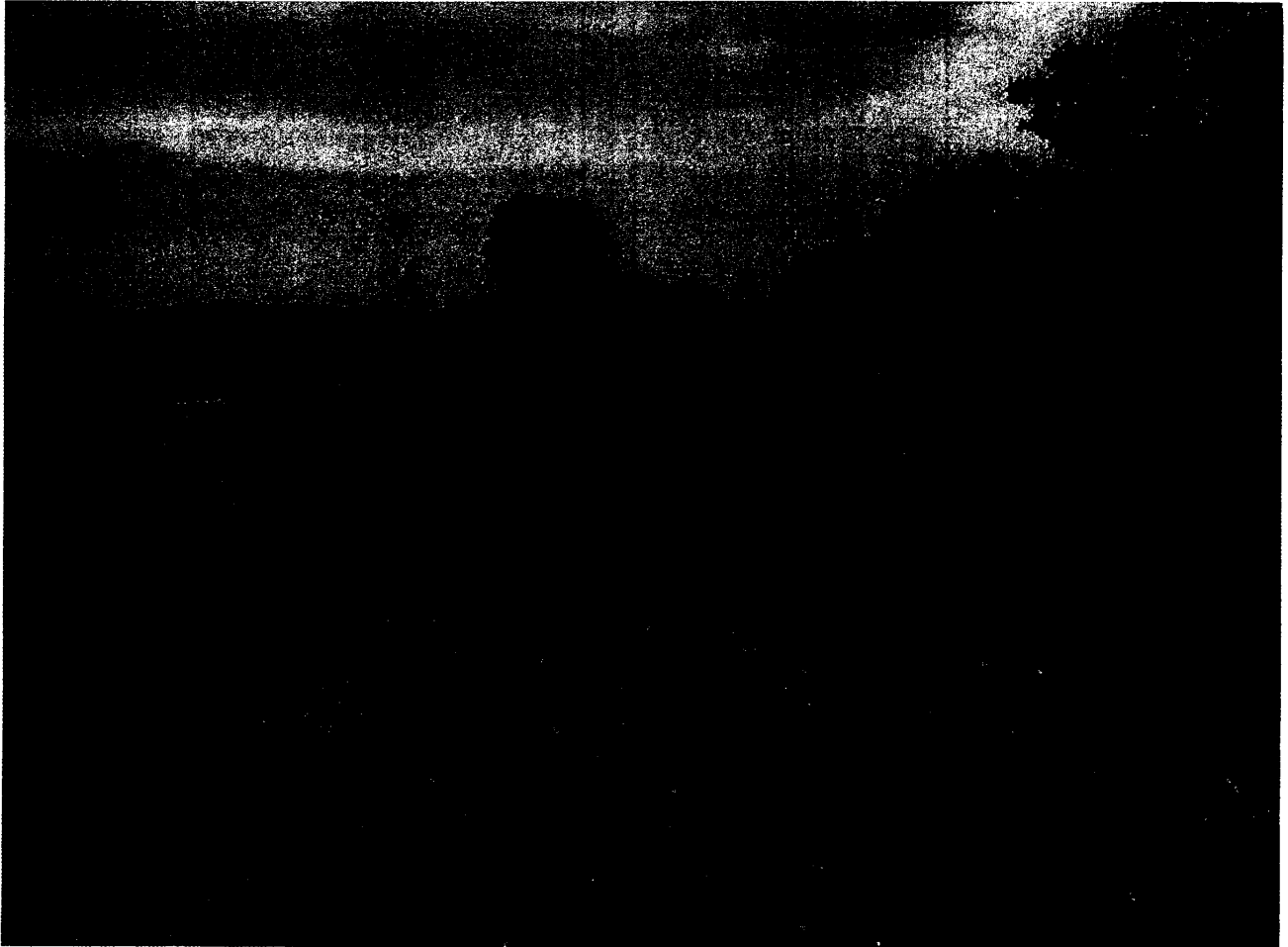
Marietta Industrial Lead

MP 127.89



Marietta Industrial Lead

MP 127.89



Marietta Industrial Lead

MP 128.88



Marietta Industrial Lead

MP 128.88



Marietta Industrial Lead

MP 129.06



Marietta Industrial Lead

MP 129.06



Marietta Industrial Lead

MP 131.97



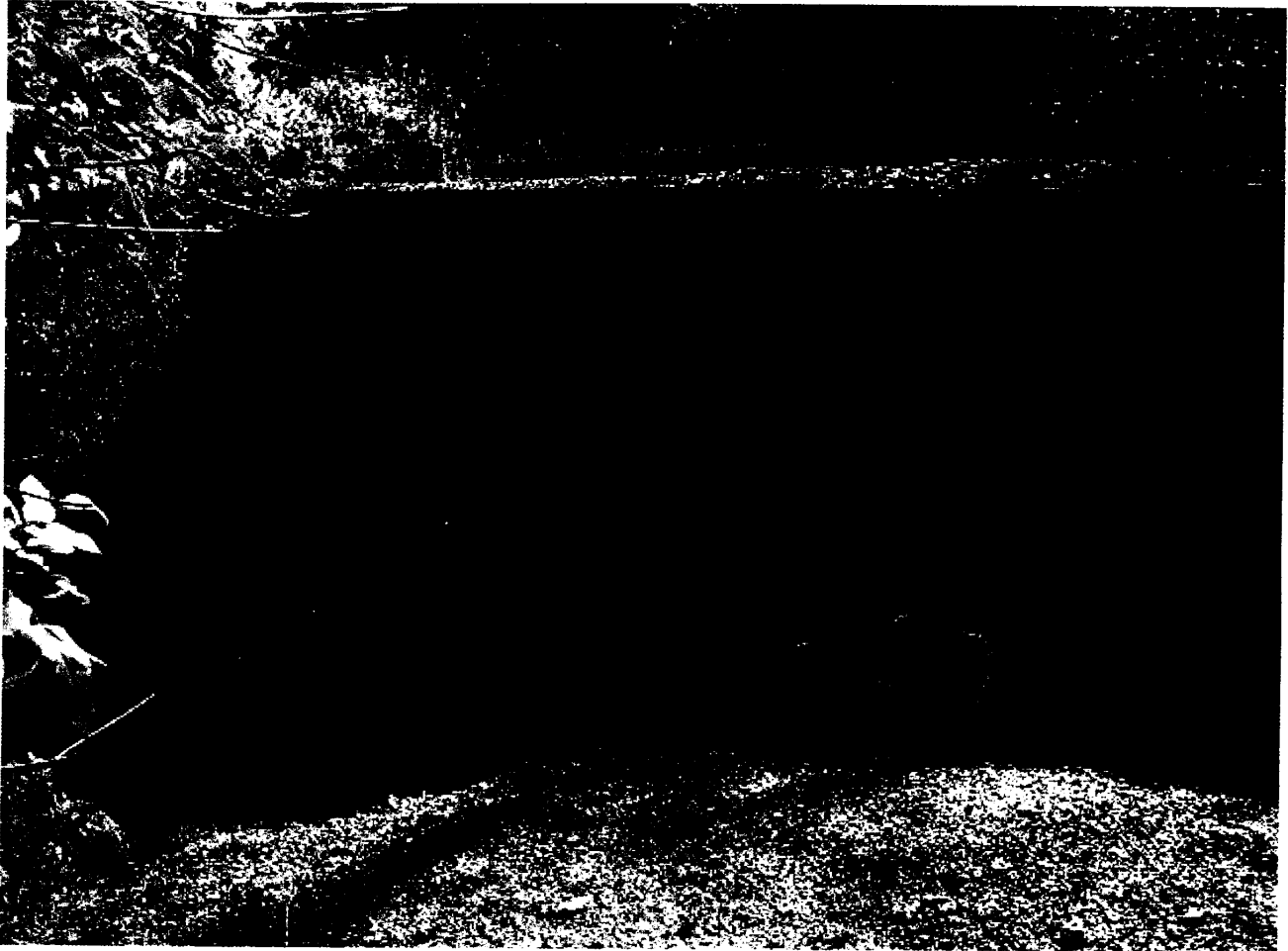
Marietta Industrial Lead

MP 131.97



Marietta Industrial Lead

MP 132.25



Marietta Industrial Lead

MP 132.25



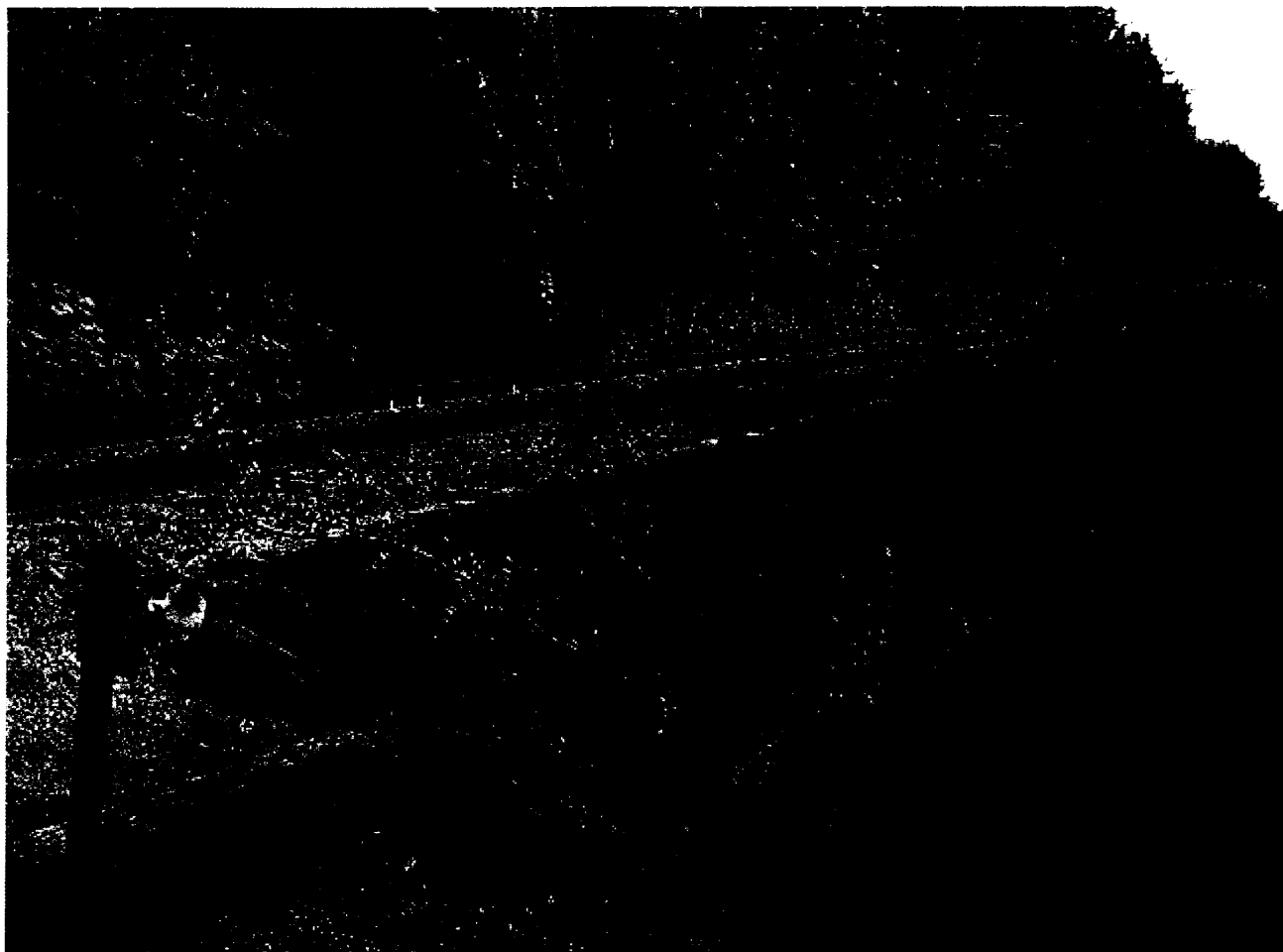
Marietta Industrial Lead

MP 132.47



Marietta Industrial Lead

MP 132.47





KANSAS

Kansas State Historical Society
Dick Pankratz, *Director, Cultural Resources Division*

KATHLEEN SEBELIUS, GOVERNOR

August 26, 2003

Charles W Saylor
Union Pacific Railroad Co
1416 Dodge St
Omaha NE 68179

Re: Abandon Marietta Industrial Lead, Marysville Vicinity
Marshall County

Dear Mr. Saylor:

We have reviewed the project identified above and have determined that it should not affect any property listed on the National Register of Historic Places or otherwise identified in our files as having historical significance. This office has no objection to implementation of the project.

Sincerely yours,

Mary R. Allman
State Historic Preservation Officer



Richard Pankratz, Director
Cultural Resources Division

clg